

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

CONTINENTAL INTERMODAL
GROUP – TRUCKING LLC,
Plaintiff,
v.

Case No. 7:18-cv-147 ADA

SAND REVOLUTION LLC,
SAND REVOLUTION II, LLC
Defendants.

ORDER DENYING MOTION TO DISMISS

Came on for consideration the Motion to Dismiss filed by Defendants Sand Revolution, LLC and Sand Revolution II, LLC on September 17, 2018 (Dkt. 18). Plaintiff Continental Intermodal Group – Trucking LLC (“CIG”) filed its Response on October 1, 2018 (Dkt. 31). Defendants filed a Reply on October 9, 2018 (Dkt. 33). The Court has carefully considered all of the pleadings and is of the opinion that the Motion should be, and is hereby, **DENIED**.

Defendants contend that Plaintiff has not sufficiently pleaded its infringement claim. The Court disagrees. The Court finds that Plaintiff has sufficiently pleaded its claim of infringement, sufficiently identified an accused product, and sufficiently alleged that such product meets “each and every element of at least one claim” of the relevant patent(s). The Court finds that Plaintiff has included nearly identical language and attached the relevant patent and pictures of Sand Revolution’s accused product to its Complaint. Plaintiff sufficiently identified the specific components of Sand Revolution’s accused product and alleged that such components track the elements of exemplary claims of the ‘740 Patent to meet the requirements of the Federal Rules of Civil Procedure. Therefore, the Court finds that the Plaintiff CIG has properly and sufficiently pleaded its infringement claims and the Motion to Dismiss must be and is **DENIED**.

SIGNED and **ENTERED** the 8th day of April 2019.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE